

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS, *et al.*,)
Plaintiffs,)
v.) Case No. 1:18-CV-68
UNITED STATES OF AMERICA, *et al.*,)
Defendants,)
and)
KARLA PEREZ, *et al.*,)
Defendant-Intervenors,)

)

**UNOPPOSED MOTION OF DEFENDANT-INTERVENORS ELIZABETH
DIAZ, ET AL., FOR LEAVE TO FILE A RESPONSE TO
PLAINTIFF STATES' NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendant-Intervenors Elizabeth Diaz, *et al.* (“Defendant-Intervenors”) respectfully request that the Court grant them leave to file a Response to Plaintiff States’ Notice of Supplemental Authority (Dkt. 712). Defendant-Intervenors’ Motion for Summary Judgment and Opposition to Plaintiffs’ Motion for Summary Judgement (Defendant-Intervenors’ “Motion”) (Dkt. 641) raises complex issues in a case of national importance, and issues related to standing and statutory analysis, both of which are discussed in *Biden v. Nebraska*, 143 S. Ct. 2355 (2023), are central to Defendant-Intervenors’ arguments in support of their Motion. Defendant-Intervenors thus respectfully seek leave to file their proposed Response (attached as Exhibit A), to respond to Plaintiffs’ arguments regarding *Nebraska*’s impact on this case. Defendant-Intervenors seek this leave to file for good cause and in the interest of

justice, not for delay, and no party will be prejudiced if the motion is granted. The other parties do not oppose Defendant-Intervenors' request.

CONCLUSION

For the foregoing reasons, Defendant-Intervenors respectfully request that the Court grant their Motion for Leave to File.

Dated: August 8, 2023

Respectfully Submitted,

**MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATIONAL FUND**

By: /s/ Nina Perales
Nina Perales (Tex. Bar No. 24005046);
(SD of Tex. Bar No. 21127)
Attorney-in-Charge
110 Broadway, Suite 300
San Antonio, Texas 78205
Phone: (210) 224-5476
Facsimile: (210) 224-5382
Email: nperales@maldef.org

ROPES & GRAY LLP

Douglas H. Hallward-Driemeier
2099 Pennsylvania Ave NW
Washington, DC 20006-6807
(202) 508-4600
(202) 508-4776 (direct dial)
Douglas.Hallward-
Driemeier@ropesgray.com
(Admitted pro hac vice)

**GARCÍA & GARCÍA,
ATTORNEYS AT LAW P.L.L.C.**

Carlos Moctezuma García
(Tex. Bar No. 24065265)
(SD of Tex. Bar No. 1081768)
P.O. Box 4545
McAllen, TX 78502
Phone: (956) 630-3889
Facsimile: (956) 630-3899
Email: cgarcia@gaciagarcialaw.com

Attorneys for Defendant-Intervenors

CERTIFICATE OF CONFERENCE

I certify that on July 14, 2023, I conferred with counsel for Plaintiffs, Defendants, and the State of New Jersey as Defendant-Intervenor regarding the relief requested in this motion. The other parties responded that they do not oppose this motion.

/s/ Nina Perales
Nina Perales
Attorney for Defendant-Intervenors

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on August 8, 2023, I electronically filed the above and foregoing document using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

/s/ Nina Perales
Nina Perales
Attorney for Defendant-Intervenors